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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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BANGLADESH: Government promotes extrajudicial executions to silence political dissent

The Asian Legal Resource Centre (ALRC) requests the UN Human Rights Council to pay attention to the ongoing pattern of gross human rights violations in Bangladesh. The government of Bangladesh is promoting extrajudicial executions and declaring impunity for the perpetrators in public amidst the political crisis that centres on peaceful and credible handover of power.

Bangladesh's citizens are being forced to pay the price with blood for the country's continuing dictatorial system, introduced in 1975 in presidential form in the Constitution; the same dictatorial power was bestowed to the Prime Minister in 1991. This continuing legacy, coupled with a flawed electoral system, is the structural reason behind the bloodshed on the streets today.

The resultant power structure has defeated the people's aspiration to create a nation that guarantees equality, human dignity, and social justice—the fundamental principles of the War of Independence in 1971. The nation does not have an accessible democratic system. Credibility and competence of the rule of law institutions never became a priority of those that have held power. "Election" only returned to the people as a festive occasion, although the people have only been able to participate in an unfair electoral system, which appears to be superficially fair to those unfamiliar with reality or those disinterested in looking beyond what is officially displayed. The existing flawed electoral system only leaves room for the people to believe that they are "king-makers" once every five years.

In Bangladesh, "winner takes all" has remained the political practice in management of the state apparatus. As a result, the losers not only lose everything; their very existence comes into question. Such practices drive away the opposition; law-enforcement agencies use torture and fabricated cases against the opposition and the Judiciary renders its "service" by detaining and wrongfully convicting the detainees, for the benefit of the ruling minority. This is why political parties never want to lose power. It explains why political parties in Bangladesh invest their utmost effort, violent and non-violent, legal and illegal, to seize and retain power. The cycle of bloody battles for retaining or seizing power will keep repeating every five years if the so-called "electoral democracy" of Bangladesh remains in place in any form as a means of handing over power, and if the military does not take over.

Curtailing the basic freedom of political dissent has been the norm of successive governments through the history of Bangladesh. In order to deprive the opposition fundamental rights, the government imposes declared and undeclared censorship on the press. Such a position by each successive government has consistently given an ever-extending licence to the police and the intelligence agencies to abuse power by all means. The concept of separation of powers has neither been promoted nor been adequately understood by relevant parties, institutions, and professionals. As a result, the life, livelihoods, and liberties of ordinary people has been rendered vulnerable to the vagaries of unjust action by those in control of state machinery and by opposition forces hoping to wrest power.

Overwhelming politicised recruitment in law enforcement agencies, in all branches of the Judiciary, military and paramilitary forces, intelligence agencies, Election Commission, and civil bureaucracy have entangled public life in Bangladesh with inconceivable harassment and relentless repression. The subjugated institutions have learned to serve the ruling elites of the day allowing them to gain undeserved wealth, power, and privilege at the cost the vast majority of the people.

The State nourishes a torturous and coercive law enforcement system. The Judiciary accommodates this system to survive as "servants of the government" instead of emerging as a competent independent institution to administer justice objectively. Both are connected with each other in a circle drawn by the executive political authority, to maintain the status quo and retain power.

In June 2011, the government created a political crisis through the 15th Amendment to the Constitution. This Amendment repealed the 13th Amendment, which had established a system for peaceful transfer of power. Numerous innocent people lost lives and limbs, and public establishments were burned by the opposition parties, to allow the politicians to settle their battles before the provision of "caretaker governmental system" was added to the Constitution in the form of the 13th Amendment. Prime Minister Sheikh Hasina led a violent political movement in 1996 to compel the then government, headed by Khaleda Zia, to create this caretaker governmental system.

However, Sheikh Hasina's government deliberately repealed the same provision without getting consent from the opposition parties, and knowing that the opposition parties would boycott the election due to the serious question posed over the credibility of the election conducted under a partisan arrangement.

On 5 January 2014, the government held a general election, in which only the ruling party and its political allies participated. All the opposition parties boycotted the election. The ruling party won 153 seats unopposed out the total of 300 parliamentary constituencies. In the remaining 147 seats, less than 10% voters turned out, amidst rigging by the ruling party and law enforcement agencies. The January 5th election was marked by violence; there were clashes between the law enforcement agencies and activists of opposition parties.

Since the beginning of 2015, Bangladesh remains a deadly place for all human beings. The government used 'Joint Forces' comprising the Police, Rapid Action Battalion and Border Guards Bangladesh to raid the houses of the opposition activists. Many houses were demolished and people including women are detained while several persons' whereabouts remain unknown. Many people in the northern Bangladesh left their houses in fear of arrest and harassments. Numerous people are still hiding to avoid arbitrary arrest or extrajudicial execution. This has caused internal displacements in the country.

All political meetings of mainstream opposition parties were banned in last week of December 2014. Today, only the ruling party is allowed to hold public meetings and rallies in the country. The government closed the offices of the opposition parties so that they cannot hold any internal meetings. Senior opposition leaders have been detained in prison in allegedly fabricated criminal cases.

The former Prime Minister Khaleda Zia, who is leading movement of the opposition parties for the people's voting rights, has been barred from all manners of political programmes. The government has blocked all the roads around the political office of Khaleda Zia in the capital city's diplomatic zone by parking two dozens of trucks laden with sand, bricks, and timber since early January 2015. The police even used pepper spray on the former Premier while she was speaking to the press at the gate of her office; pepper spray is banned by the country's High Court due to its harmful impact on human health. The police also locked the office confining the employees and the former Prime Minister inside, disconnecting utility supplies, including telephone, fax, Internet, and electricity to the building housing the office. The police have also embargoed portable food and drinking water to the office.

Following the ban on peaceful rallies, and the continuing arrests and extrajudicial executions in Bangladesh, the opposition since has called for a countrywide closure of public transport since 6 January 2015. Arson attacks on public transports have followed, which have killed around 30 and wounded numerous people. Innocent people are being victimized every day. Firebombs have been found in the possession of both ruling and opposition parties, which indicate that both parties are involved in similar crimes. In fact, most of the alleged attackers carrying "petrol bombs" or crude bomb have been released either from the police station or released on bail from the courts after their arrest due to their political allegiance to the ruling party.

The Bangladesh Police and the Rapid Action Battalion (RAB), a paramilitary force reputed for extrajudicial executions, have announced bounties—from Taka 10,000 to Taka 100,000 (\$ USD 1,300)—for the apprehension of firebomb attackers. The chiefs of the RAB, the police, and the Border Guards Bangladesh (BGB) have declared in media briefings and public meetings that their personnel will shoot and kill those suspected of carrying firebombs. In a public statement on 28 January 2015, incumbent Prime Minister Sheikh Hasina gave senior law-enforcement officers "liberty" to take any action deemed necessary.

The Bangladesh government is abusing the country's political crisis. It has escalated arbitrary deprivation of the right to life through extrajudicial executions targeting political opposition. Enforced disappearance has become a common phenomenon for the public. Often, bodies of political activists, who were picked up by the Detective Branch (DB) of the Police, are found with bullet wounds several days after their disappearance. As a result, almost every day, the law enforcement agencies circulate the stories of "gun battles" after killing detainees. Several victims of such extrajudicial murder have been found to be non-political persons, and the law-enforcing agencies have killed them for their family's failure to pay the demanded sum of money.

For example: a police team led by Sub Inspector Touhidul Islam arrested G.M. Nahid (22) on 2 February from the Mirpur area in Dhaka. The family came to know the police vehicle's registration number. The police called and asked the family to pay Taka 500,000 (USD 6,420.00) to secure Nahid's release from police custody. The family promised to pay all they could: Taka 50,000. The police refused to release Nahid. The following morning the police murdered Nahid. His body was left at the morgue for five days, as the family did not know that their son had been murdered. On 8 February, the relatives identified the body when the police repeated the same story of "gun battle" and "crossfire".

G. M. Nahid is not the only recent victim of extrajudicial executions. Between 5 January and 15 February 2015, the police and the RAB have murdered at least 34 other persons. Most of the victims have been identified as activists and grassroots level leaders of opposition parties.

Since January 2015, more than 15,000 activists of the opposition have been arrested and detained in prison. All the victims have alleged being tortured in custody. In several cases, the police have arrested the wives, siblings, or parents, when the targeted opposition leader was not found at home.

The law enforcement agencies are using two specific methods against the people. The police and RAB arrest the activist, then either torture the person while in detention or kill them in custody and throw the body in front of vehicles on highways, and later claim that the suspect was hit by a vehicle while attempting to escape from an agency vehicle.

The police or RAB handcuff the detainees, push them to the ground, and shoot at their legs—mostly at the knee joints. The police have permanently disabled dozens of victims by shooting their limbs. The ALRC has documented at least 10 cases in the last 45 days where doctors have amputated the victims' legs as a result of RAB shooting. No remedies have been accessible and affordable to the victims due to the subjugated nature of the criminal justice institutions of Bangladesh.

The government keeps blaming the opposition for the arson attacks on public transport and labels them "militants" and "terrorists" in all forums. This is to exploit the current "Islamic militancy phobia" and the importance of the "global war on terror" in global diplomacy to perpetuate the government's hold on power.

The ALRC urges the Human Rights Council to immediately investigate by sending its own experts to Bangladesh so that no parties can fool the international community. The Council needs to create a country mandate to report back to the UN for taking further steps for the protection of the lives, liberties, and livelihood of the people. The Council and the international community must find ways to intervene in Bangladesh before it is too late.